

February 18, 2003

I, as a Part 135 small business flight department manager, would like to bring several items to the counter for the proposed ruling regarding "Transponder-On Operations". My concerns are serious and need some thought before implementation. I realize currently this ruling is limited to Airlines (Part 121 operations). I also know that it may be a consideration for 135, and 91 operations. It is for this reason; I'd like to comment on this ruling:

1. Cockpit fire/smoke! What emergency procedures will be in place in the event of a malfunction of the transponder or its associated wiring? I sure don't want to be flying around (either piloting or as a passenger of an airline) in an aircraft and not have the capability of eliminating the source of a possible fire. We've learned many things from recent airline disasters that began from a fire in flight. Let's not forget about those or were killed to "teach us something."
2. Emergency! What happens if there is an alternator or generator failure? A transponder is a "big drain item". As a pilot, I will want to conserve my battery for operations of gear/flaps and navigation, not the transponder which will be in an "always-on mode".
3. There has never been a successful high-jacking in a part 135 commercial operation. What are the reasons 135 operators must comply with this ruling?
4. The Part 135 unscheduled air carriers, and its passengers have already suffered financially because of the airline industry, and its operations.
  - a. Costly DRVSM implementation December 2004. This will cost us (a single jet operator \$200,000), w/o considering TAWS.
  - b. TSA's new 12,500 lb. ruling already effecting 135 operators. This will cost a small 135 operator serious time and money to implement by April 2003.
  - c. The economy is suffering already, and I'm not sure how much more "our small" business can afford. I doubt I'm the only small business that has economic issues these days. Airlines also, with all their financial concerns. What is being done by the Federal Government to assist us with these costly upgrades to keep the economy rolling?
5. If there were to be another terror attack, (and we all hope not) what prevents these Activists from purchasing a private business jet or other "mobile bomb" and using it to attack? There won't be a Transponder-On rule for a part 91 aircraft or if there is, would it make sense that a terrorist would turn on his transponder...or even his electrical system on? As we learned in the Oklahoma City bombing, it doesn't take an aircraft to blow something up, a transponder certainly won't help.

In short, I think the Transponder-On ruling needs to be re-evaluated. I am positive if I were an Airline pilot, I would have the same concerns regarding the safety of passengers and my aircraft.

Regards,  
Tim Haas  
Director of Flight Operations  
West Bend Air, Inc.